IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI
==
1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

        HASMUKHRAI G RAVAL
Versus
        DEPOT MANAGER

        Appearance:
            MR PM THAKKAR for Petitioner
            MR Hardik Raval for Respondent

        CORAM : MR.JUSTICE S.M.SONI
        Date of decision: 01/05/96

ORAL JUDGEMENT

  In the affidavit-in-reply dated 24.2.84, it is
stated by Depot Manager one N.C.Parekh that:
  "Petitioner   has   thereafter   not   reported
        personally for duty and has not approached the
        Competent Authority for the same pending any
        orders of punishment. I, however, make it clear
        that it is open to the petitioner to approach the
        Competent Authority for suitable assignment of

duties. In case the petitioner finds any difficulty, the petitioner can approach the deponent of this affidavit for assignment of suitable duties till approval granted".

Despite this statement, it appears that the petitioner has not reported for duty to the competent authority.

Today when the matter is called out for further arguments, Mr.Hardik Raval states that on the ground of the petitioner being continuously absent from duty, disciplinary case no.109/90 was instituted and after full-fledged enquiry, order terminating his services is passed on 21.11.90. Xerox copies of the communication and the order of enquiry are produced on record.

Learned Advocate for the petitioner, therefore, seeks permission to withdraw this petition on the ground that the petitioner, if so advised, may challenge this order. In view of this fact, permission to withdraw granted. Petition stands disposed of as withdrawn. Rule discharged. No costs.